

Eugene B. Elliot, State Bar No. 111475
Christine Lee, State Bar No. 231617
BERTRAND, FOX & ELLIOT
The Waterfront Building
2749 Hyde Street
San Francisco, California 94109
Telephone: (415) 353-0999
Facsimile: (415) 353-0990

Attorneys for Defendant
SAN FRANCISCO COMMUNITY COLLEGE DISTRICT
erroneously named herein as CITY COLLEGE OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRED HATTER,

Plaintiff,

vs.

CITY COLLEGE OF SAN FRANCISCO,

Defendant.

CV 08

3334

Case No.:

NOTICE OF REMOVAL OF SAN
FRANCISCO COUNTY SUPERIOR COURT
ACTION NO. CGC-08-476141 UNDER 28
U.S.C. § 1441(b) [Federal Question]

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that defendant SAN FRANCISCO COMMUNITY COLLEGE DISTRICT, erroneously named herein as CITY COLLEGE OF SAN FRANCISCO, hereby removes to this court the state court action described below:

1. On June 9, 2008, Action No. CGC-08-476141 was commenced in the Superior Court of the State of California, in and for the County of San Francisco, captioned Fred Hatter v. City College of San Francisco. A true and correct copy of plaintiff's complaint is attached hereto as Exhibit "A".

2. The first date upon which defendant CITY COLLEGE OF SAN FRANCISCO received a copy of the said complaint was June 10, 2008, when defendant was served with a copy of the said complaint and a summons from the said state court. A copy of the summons is attached hereto as Exhibit "B".

3. This action is a civil action of which this court has original jurisdiction under 28 U.S.C. §1331, and is one which may be removed to this Court by defendant pursuant to 28 U.S.C. §1441(b) in that it arises under Title IX of the Education Amendments of 1972 to the Civil Rights Act of 1964, as set forth in paragraph 11 on page 3 of plaintiff's form complaint.

4. Supplemental jurisdiction arises over the remaining claims because all claims are transactionally related for the purposes of 28 U.S.C. § 1367(a).

5. No other named defendants have been served as of the date of filing this notice.

Dated: July 10, 2008

BERTRAND, FOX & ELLIOT

By: Christine Lee
EUGENE B. ELLIOT
CHRISTINE LEE
Attorneys for Defendant
SAN FRANCISCO COMMUNITY COLLEGE
DISTRICT

EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): FRED HATTER 106 JULES AVE MAILING ADDRESS S.F. CA 94112 TELEPHONE NO: (415) 377-2480 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		ENDORSED FILED Superior Court of California County of San Francisco JUN 09 2008 GORDON PARK-LI, Clerk DEBORAH STEPPE Deputy Clerk CASE MANAGEMENT CONFERENCE SET NOV 07 2008 - 9:00 AM DEPARTMENT 212 CASE NUMBER: CGC-08-476141
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: SUPERIOR COURT OF S.F. MAILING ADDRESS: 400 MCALLISTER CITY AND ZIP CODE: S.F. CA 94102 BRANCH NAME:		
PLAINTIFF: FRED HATTER DEFENDANT: CITY COLLEGE OF S.F.		
<input type="checkbox"/> DOES 1 TO _____ COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input checked="" type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify): Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		

1. Plaintiff (name or names): **FRED HATTER**
 alleges causes of action against defendant (name or names): **CITY COLLEGE OF S.F.**

2. This pleading, including attachments and exhibits, consists of the following number of pages: **5**

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):

(1) ☐ a corporation qualified to do business in California

(2) ☐ an unincorporated entity (describe):

(3) ☐ a public entity (describe):

(4) ☐ a minor ☒ an adult

(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) ☐ other (specify):

(5) ☐ other (specify):

b. ☐ except plaintiff (name):

(1) ☐ a corporation qualified to do business in California

(2) ☐ an unincorporated entity (describe):

(3) ☐ a public entity (describe):

(4) ☐ a minor ☒ an adult

(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) ☐ other (specify):

(5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE: FRED HATTER VS. CITY COLLEGE OF S.F.	CASE NUMBER:
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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
b. ☐ General Negligence
c. ☐ Intentional Tort
d. ☐ Products Liability
e. ☒ Premises Liability
f. ☐ Other (specify):

11. Plaintiff has suffered

- a. ☐ wage loss
b. ☐ loss of use of property
c. ☐ hospital and medical expenses
d. ☒ general damage
e. ☐ property damage
f. ☐ loss of earning capacity
g. ☐ other damage (specify):

I WAS CONSTANTLY HARASSED BY CCSF CAMPUS POLICE AND GIVE TICKETS OF CAMPUS UNDER FALSE STATEMENTS CHARGES, UNDER TITLE IX U.S. DEPARTMENT OF EDUCATION

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
a. ☐ listed in Attachment 12.
b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
(2) ☒ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☒ according to proof
(2) ☐ in the amount of: \$

Civil Unlawful

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: **6-10-08**

FRED HATTER

(TYPE OR PRINT NAME)

Fred Hatter

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(2)

SHORT TITLE: FRED HATTER US City College of SF	CASE NUMBER:
--	--------------

CAUSE OF ACTION—General Negligence

Page _____

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name):

alleges that defendant (name):

☐ Does _____ to _____

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): **6-07**

at (place):

CITY COLLEGE OF SAN FRANCISCO

(description of reasons for liability):

I WAS WRONGFUL KICK OFF**BY SANTOS ENCARNADO**

CAMPUS OF CITY COLLEGE ON MAY 15, 07
BECAUSE I WAS FALSELY ACCUSED OF
THREATEN A STUDENT WHO WORK FOR,
SAN FRANCISCO SHERIFF DEPARTMENT.
I WAS NEVER ARRESTED ON THESE FALSE
CHARGES. I HAVE COPIES OF POLICE REPORT
ALSO LETTERS FROM CCSF OF MEETING I HAD
IN THE PAST WITH THEM. ON THIS MATTER
I NEVER THREATEN THIS PERSON. I SIMPLY MADE
A RELIGIOUS STATEMENT TO HER BY SAY I PRAY
FOR YOU UNDER TX U.S. DEPARTMENT OF EDUCATION
& THE DISABILITY ACT
THIS IS DISCRIMINATION & INVASION OF MY
PRIVACY RIGHTS UNDER FALSE & FRAUDULENT
STATEMENT. I CONTACT U.S. DEPARTMENT OF EDUCATION
ON THIS MATTER BUT A LASPE OF TIME PAST SO
IN FILING CIVIL ON DEPRIVING OF MY EDUCATION

Code of Civil Procedure 425.12
www.courtinfo.ca.gov

CAUSE OF ACTION—General Negligence

Form Approved for Optional Use
Judicial Council of California
PLD-PI-001(2) (Rev. January 1, 2007)American LegalNet, Inc.
www.FormsWorkflow.com

HERE ADDITIONAL INFORMATION ATTACH
ALSO I WAS HARASSMENT OVER & OVER BY CAMPUS POLICE
THAT INFORMATION TO ACT SHOW A DAPER DRAW OFF ALL



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS, REGION IX

April 4, 2008

Mr. Frederick Hatter
830 Fulton St., Apt. F
San Francisco, California 94117

(In reply, please refer to # 09-08-2111.)

456
35 41

Dear Mr. Hatter:

The Office for Civil Rights received your complaint on April 3, 2008. We are reviewing the complaint to determine whether OCR will accept it for resolution. Our target date for completion of that review is May 2, 2008. We will send you another letter notifying you whether or not we are opening your complaint for investigation. If you do not hear from this office within ten days after the target date, please ask for the Equal Opportunity Specialist assigned to evaluate your case, at (415) 486-5555.

OCR requests that you return the signed Privacy Act Consent Form within 10 days of the date of this letter. A prompt response will allow OCR to avoid additional delays in processing your complaint. If OCR does not receive your response within 20 days of the date of this letter, it will not proceed to resolution of your allegations and your complaint will be administratively closed.

The enclosed information provides an overview of OCR's complaint evaluation and resolution process.

Sincerely,

Dorothy W. Brady

Enclosures

(In reply, please refer to # 09-08-2111.)

3541

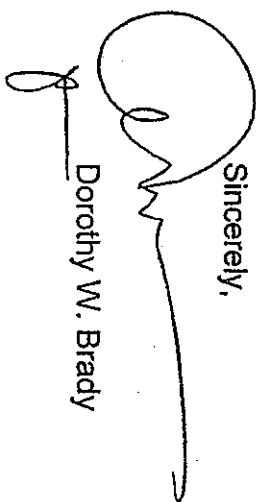
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Sincerely,



Dorothy W. Brady

Enclosures

50 BEALE ST., SUITE 7200, SAN FRANCISCO, CA 94105
www.ed.gov

Our mission is to ensure equal access to education and to promote educational excellence throughout the nation.



January 18, 2006

Roland Montemayor
FAO Academic Counselor
Information Center - FAO

City College of San Francisco
50 Phelan Avenue, C-324
San Francisco, CA 94112

Tel: (415) 239-3994
Fax: (415) 239-3917
Email: montema@ccsf.edu

Dear Dean Robinson,

This is to confirm that Frederick Hatter has had a counseling session w morning. I am working with him to reinstate him for financial aid and selection. I have asked him to return with his current educational plan with the Second Chance program.

If you have any questions please feel free to contact me @ 239-3994.

Sincerely,

Roland Montemayor

Roland Montemayor
Academic Counselor
Financial Aid

ALFARGO
DEAN ROBINSON 452-5100
SAWTOES 239-3211
H

CALL MA/16, Spoke
an CHARLES MOORE

C.C.S.F. INITIAL COUNSELOR INTERVIEW

NAME: Hatter Frederick DATE: 2/21/07
 Last First Middle Initial
 SOCIAL SECURITY NUMBER: W00 181858 DATE OF BIRTH: _____
 Month Day Year
 E-MAIL ADDRESS: _____

TEST RESULTS: (Students Fill In) Enter Course Placement, Not Test Scores: English: _____ ESL: _____ Math: _____ Algebra: _____ Educational Goal: <input type="checkbox"/> AA/AS <input type="checkbox"/> CSU System <input type="checkbox"/> UC System <input type="checkbox"/> Job Skills <input type="checkbox"/> Other Private/Public College <input type="checkbox"/> Undecided		FOR COUNSELOR'S USE MATRICULATION PLACEMENT: If matriculation placement is different from test result, please indicate placement and reason for change: English: _____ ESL: _____ Math: _____ Comments: _____ Student's Signature: _____ Counselor's Signature: <u>[Signature]</u>	
(For Counselor's Use): RECOMMENDED COURSES <u>ADMJ 52</u> <u>ADMJ 63</u> <u>ADMJ 65</u> <u>ADMJ 66</u> <u>ADMJ 82</u>	ALTERNATIVE COURSES 	FOR FACULTY ADVISOR'S USE English: _____ ESL: _____ Math: _____ Comments: _____ Faculty Signature: _____	

SUPPORT SERVICES AVAILABLE:

- | | |
|---|--|
| <input type="checkbox"/> African American Achievement Program (239-3360 - C208A) | <input type="checkbox"/> Math Bridge (239-3933 - L770) |
| <input type="checkbox"/> Career Development Center (239-3117 - S127) | <input type="checkbox"/> Math Lab (239-3478 - C354) |
| <input type="checkbox"/> Child Care Center (239-3462 - B320) | <input type="checkbox"/> Puente Program (239-3847 - SU, Room A) |
| <input type="checkbox"/> Disabled Students Programs and Services (452-5481 - R323) | <input type="checkbox"/> Re-Entry Program (239-3297 - SH106) |
| <input type="checkbox"/> Extended Opportunity Programs and Services (239-3560 - B403) | <input type="checkbox"/> Reading Lab (452-5509 - R229) |
| <input type="checkbox"/> Financial Aid (239-3575 - C324) | <input type="checkbox"/> Transfer Center (239-3748 - S132) |
| <input type="checkbox"/> Gay/Lesbian Bisexual Services (239-3876 - C203B) | <input type="checkbox"/> Writing Lab (452-5511 - R230) |
| <input type="checkbox"/> Intercollegiate Athletics (239-3260 - SGYM) | <input type="checkbox"/> Writing Success Project (452-5514 - R231) |
| <input type="checkbox"/> Latina Service Center (239-3945 - SU, Room A) | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Learning Assistance Center (452-5502 - R207) | |

Sandra 6-25-07

05/15/07

Thameen

I attend a meeting a
CESF, Pholun Campus
on behalf of Noel Yoder

Where a second meeting
was set up for him
but he never got a
second chance at the
Zuel meet because of
being falsely accused
of threaten an off duty
Sheriff Const. who Mr.
Hatcher know. I Sandra
Thameen would like
him to be a witness
for me on a attempted
rape on me ~~at the home~~
~~of a teacher who works~~ at the campus.

COPY

To Who it May concern

ON 3-29-07 I walk up to p

my car ~~and~~ I saw thr

city college police aroun

red hatter on the gro

sitting with three offic

around him as I walk u

I as the police if I can

him my phone number

told me I can hand it

him first. I think that it

really extreme for 3 off

to be around unarm pe

of this way. X Sandra

5-15-0
9:30 am

7/10/2008
Dean of
Student
Affairs

ON 3-29-07 I walk up to par

my car ~~on~~ I saw three

city college police around

Sred hatter on the ground

sitting with three officers

around him as I walk up

I ask the police if I can give

him my phone number he

told me I can hand it to

him first. I think that was

really extreme for 3 officers

to be around unarm persons

of this way. X Sandra House

5-15-07

9:30 am

led.
7/10/07
5/15/2007
Dean of
Student
Affairs

EXHIBIT B

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: **CITY COLLEGE OF**
(AVISO AL DEMANDADO): **SAN FRANCISCO**

YOU ARE BEING SUED BY PLAINTIFF: **FRED HATTER**
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

RECEIVED

JUN 10 2008

OFFICE OF THE
GENERAL COUNSEL

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is: **SUPERIOR COURT of**
(El nombre y dirección de la corte es): **SAN FRANCISCO**
400 McALLISTER ST
SF, CA 94112

CASE NUMBER: **08-476141**
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: **FRED HATTER**
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): **106 JULES AVE SF, CA 94112 (415) 377-2480**

DATE: **6-9-08**
(Fecha)

GORDON PARK-LI

Clerk, by
(Secretario)

D. STEPPE Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons. (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- | | |
|--|---|
| under: <input type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.60 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify): | |

4. ☐ by personal delivery on (date):

1 I, Jan Taheny declare that:

2 I am employed in the County of San Francisco, California; I am over the age of eighteen years
3 and not a party to the within cause; and my business address is 2749 Hyde Street, San Francisco,
4 California 94109.

5 I am readily familiar with the practice of Bertrand, Fox, & Elliot for the processing of
6 correspondence, said practice being that in the ordinary course of business, correspondence is
7 deposited in the United States Postal Service the same day as it is placed for processing.

8 On **July 10, 2008**, I served the following document(s):

9 **NOTICE OF REMOVAL OF SAN FRANCISCO COUNTY SUPERIOR COURT**
10 **ACTION NO. CGC-08-476141 UNDER 28 U.S.C. § 1441(b) [Federal Question]**

11 in said cause, on the following interested parties:

12 Fred Hatter
13 106 Jules Ave.

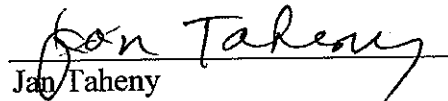
Pro Se Plaintiff

14 San Francisco, CA 94112

15 Said service was performed in the following manner:

16 **(X) BY U.S. POSTAL SERVICE (Mail):** I placed each such document in a sealed envelope
17 addressed at noted above, with first-class mail postage thereon fully prepaid, for collection and
mailing at San Francisco, California, following the above-stated business practice, on this date.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing
19 is true and correct. Executed **July 10, 2008**, at San Francisco, California.

20 
21 Jan Taheny